

REMARKS

In the outstanding official action, guidelines relating to section headings were suggested. In response, this suggestion is acknowledged, but headings have not been added as they are not required in accordance with MPEP §608.01(a).

On the merits, claims 1-10 were rejected under 35 USC 103(a) as being unpatentable over McCrady et al in view of Ginzburg, for the reasons of record. In response, it is respectfully submitted that the currently-pending claims are clearly patentably distinguishable over the cited and applied references for the reasons detailed below.

More particularly, it is suggested in the Action that McCrady discloses a method and system of indoor positioning in a structure, but admittedly does not detail kinds of antennas used for the base station and the mobile station. This deficiency was suggested to be overcome by Ginzburg, wherein a mobile station 50 is suggested to have an omnidirectional antenna and a base station 52 is suggested to have a directional antenna.

At the outset, it is respectfully submitted that the instant application as presently claimed is clearly patentably distinguishable over the cited and applied references *inter alia* because all of the currently-pending claims contain the limitation

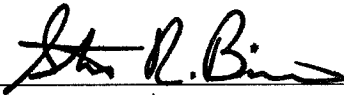
that the base station has an antenna with a cosec² sensitivity pattern. This important limitation, as clearly disclosed and described in the instant specification, is not mentioned in the Action, and neither of the cited and applied references is suggested to show or suggest such a limitation. Accordingly, the claims are respectfully submitted to be clearly patentably distinguishable over the cited and applied references.

Additionally, it is suggested in the Action that Ginzberg discloses a system in which a mobile station has an omnidirectional antenna and a base station has a directional antenna, as disclosed in paragraphs 16-17 on page 2 of the reference. More particularly, however, a careful reading of the cited paragraphs reveals that the mobile station (receiving device 50) has an antenna which may either be directional or omnidirectional, thus teaching that omnidirectionality is not an important feature. Additionally, the base station (transmitting device 52) is merely described as having "a transmitting antenna 103" with no teaching in the cited and applied portion of the reference as to its directionality or lack thereof.

Thus, it is respectfully submitted that the cited and applied references, taken in combination, neither show nor suggestion essential features of the instant invention as specifically recited in the currently-pending claims. Accordingly, allowance of the instant application is respectfully submitted to be justified at

the present time, and favorable consideration is earnestly solicited.

Respectfully submitted,

By 
Steven R. Biren, Reg. No. 26,531
Attorney
(914) 333-9630